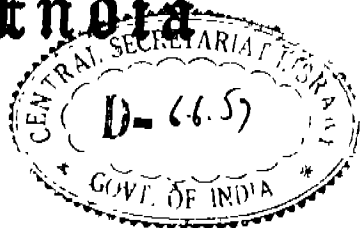


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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 27th May 1957

S.R.O. 1849.—In pursuance of the provisions of sub-section (1) of Section 86 of the Representation of the People Act, 1951, the Election Commission hereby published a copy of the Election Petition No. 474 of 1957, presented to the Commission on the 9th May, 1957 under Section 81 of the said Act, by Shri Lakhan Das, s/o Shri Jodhe Das, resident of Bahadurganj, Shahjahanpur, calling in question the election to the House of the People from the Shahjahanpur constituency of that House of Shri Narain Din Balmiki, New Councillors, residence Darulshafa, Lucknow.

Presented to me by Shri Lakhan Das whose signature has been obtained in the margin and attested as having been signed before me this the Ninth day of May, One Thousand Nine Hundred and Fifty Seven.

(Sd.) DIN DAYAL,
9-5-57

Under Secy.,
Election Commission, India.

ATTESTED.

(Sd.) DIN DAYAL,
9-5-57.

TO THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 474 of 1957

Lakhan Das, S/o Jodha Das, aged about 50 years, resident of Bahadur Ganj, Shahjahanpore—*Petitioner.*

Versus

Shri Narain Din Balmiki, father's name not known, resident of Darushafa (New Councillors resident), Lucknow.

Shri Ram Dularey Lal, Father's name not known, resident of Mohalla Sarai Kain and Municipal Commissioner, Shahjahanpore.

Shri Babo Ram Jayant, resident of Etah.

Shri Bishanchander Seth, s/o L. Kali Charan Seth, Kali Charan Road, Shahjahanpore.

Shri Darbari Lal Sharma, President, District Board, Bareilly.

Shri Ajodhia Nath Vaid, s/o Kashi Nath Vaid, resident of Mohalla Bagh Khinnul, Shahjehanpore.

Shri Pritpal Singh, President, District Board, Shahjehanpore.

Shri Faqirey, Secretary, Bhartia Gansang Qayam Ganj, District Fathay Garh.

Election petition under Section 81 of the Representation of the Peoples Act, 1951 challenging the election¹ of the Respondent No. 1 as member of the House of People from Shahjehanpore Parliamentary Constituency No. 315.

The petitioner above named respectfully begs to state as under:—

No. 1. That the petitioner was a duly nominated candidate for the House of People from Shahjehanpore Parliamentary Constituency known as Shahjehanpore cum Farukhabad cum Etah District (Double Member Constituency) No. 315 for the Scheduled reserved seat.

No. 2. That respondents No. 1 to 3 were also nominated for the reserved seat and contested the election and respondents No. 4 to 8 were duly nominated for contesting the general seat.

No. 3. That the election for the above constituency took place on 25th, 28th, February, 1957 and on 3rd, 6th, 9th and 12th of March, 1957, and the counting took place on 20th March, and continued upto 25th March, 1957. The result was declared on 25th March, 1957 and respondent No. 1 was declared elected from the Schedule reserved seat and the respondent No. 4 was declared elected to the General Seat.

No. 4. That the petitioner polled.....votes and the respondent No. 1 got.....votes One Lac Four Thousand.

No. 5. That the election of the respondent No. 1 to the House of People from the Shahjehanpore Parliamentary constituency be declared void *inter alia* on the following grounds:—

- (a) That the respondent No. 1 committed the corrupt practice of bribery by offering and paying money to a number of electors as an inducement to them to cast their votes in his favour. The names of some of them are given in Schedule 1 annexed herewith.
- (b) That the respondent No. 1 was the official Congress candidate and was supplied with two free copies of the electoral roll thus giving him an undue advantage over the petitioner who fought the election as an Independent candidate and further has symbol was known to him right from the date of his selection by the Congress Parliamentary Board and Propagated the same in the whole of Constituency whereas the petitioner was allotted this symbol only on the date fixed for withdrawals, thus putting him to an advantageous position.
- (c) That the election expenses filed by the respondent No. 1 are quite incorrect and false. He paid Rs. 5/- to each of his agents giving in Schedule 2 annexed herewith.
- (d) That the respondent No. 1 himself and with his consent his agents committed the corrupt practice as defined in Section 123 (5) of the representation of the Peoples Act, 1951, by hiring and procuring on payment vehicles for carrying electors, to various polling stations and back to their houses on the polling days. The particulars of this corrupt practice are given in Schedule 3.
- (e) That respondent No. 1 deliberately with the aid of the Government Rev. Officials Lekhpal threatened the poor cultivators electors to vote for the respondent No. 1 who belonged to the official Congress Party. The details of which are given in Schedule 4 attached herewith.
- (f) That hail storm had spoiled some of the Rabi crops in various places within the constituency and the respondent No. 1 taking advantage of his position as a sitting member and a candidate of the Party in power impressed upon the electors to vote for him for which the respondent No.1 promised them to secure for them taqavi and Government grant, and under this inducement got a number of votes at the places given in Schedule 5 annexed hereto.

- (g) That the respondent No. 1 wielded undue influence on the electors residing in places given in Schedule 6 annexed hereto through his caste fellows who threatened the electors for refusing the services which they render if they did not vote for the Respondent No. 1.
- (h) That the respondent No. 1 sent to Shri Sia Ram of Farukhabad District who is an Ex-M.L.A. for his expenses in connection with his election but even this amount has not been shown. That he got pamphlets printed in Gandhi Press and paid for them but they have not been shown in his election expenses nor has he shown the presence of Election Agents Forms which he has filed in about hundreds at various polling stations and counting Agents.
- (i) That the respondent No. 1 systematically appealed member of his community on the ground of caste and used National flag for the furtherance of the prospects of respondent No. 1 election.
- (j) That the respondent not himself and through his agents got false votes cast in his favour as given in Schedule (vii) annexed hereto.
- (k) That the result of the election has been materially effected in so far as thereunder candidate is concerned by the Commission of the aforementioned rough practices and non compliance of the provisions of the Representation of the People Act, 1951 and rules framed thereunder as a matter of fact the petitioner received a majority of valid votes and at any rate he could have received majority of valid votes but for the votes received by respondent No. 1 through corrupt practices.
- (l) That the respondent No. 1 is disqualified from being a member of the House of People for his failure to lodge true account as required under Section 78 of the R.P. Act and rules 131 and 134 of the Election petition rules in so far as he did not show—
1. His travelling expenses in the whole of the Constituency.
 2. Purchase of election literature which he freely distributed in support of his candidature.
 3. That the respondent No. 1 obtained and procured through self and his agents for the furtherance of the prospects of respondent No. 1 election from the following persons in the service of the Government against the provisions of Section 173 of sub-clause 7.
 4. That the petitioner has deposited Rs. 1,000/- as security for the costs of the petition in the Shahjehanpore Government Treasury and the receipt for the same is attached herewith.
 5. That the petitioner claims:—
 - (i) That the election of respondent No. 1 to the Shahjehanpore Parliamentary Constituency No. 315 be declared void.
 - (ii) The petitioner be declared duly elected in place of respondent No. 1 and the costs of the petition be awarded to the Petitioner.

Dated 9th May, 1957.

(Sd.) LAKHAN DAS

Petitioner.

I, Lakhan Das, the abovenamed petitioner do hereby verify that the contents of paras. 1, 2, 3, 5(b) of this petition are true to my personal knowledge and those of paragraphs 4, 5 and the rest are believed to be true by me from information received.

(Sd.) LAKHAN DAS.

SCHEDULE I

Electors of village Banthri, Polling Station Amaipur Sanda, District Shahjehanpur.

- (1) Ram Ratan.
- (2) Jangi Singh.
- (3) Jit Singh.
- (4) Banwari Singh.
- (5) Fateh Singh.

Village and Polling Station Kotah

- (1) Ram Saran.
- (2) Ram Chandra Singh.
- (3) Puttilal Vaish.
- (4) Munshi Lal.

Village Chiti, Polling Station Jaura

- (1) Kandhar Singh.
- (2) Jogendrapal Singh.
- (3) Ram Chandralal.
- (4) Chuttu Singh.

Verified that the contents of the above schedule are true to the best of my knowledge based on information received.

Verified at Delhi, this 9th day of May, 1957.

(Sd.) LAKHAN DAS.

SCHEDULE II

List of Polling Agents who were paid Rs. 5/- each

1. Ram Saran of Polling Station, Kotah.
2. Ram Chandra Singh of Polling Station, Kotah.
3. Sri Niwas, Vill. Kumirka, P.S. Husainpur, Kabra.
4. Ahibaran Singh, Polling Station, Bhambo.

Verified that the above is true to the best of my knowledge as desired, on information received.

Signed and verified this 9th day of May, 1957 at Shahjehanpur.

(Sd.) LAKHAN DAS.

SCHEDULE III

The following electors were brought on the car of Pt. Darbari Lal, Congress candidate for the general seat at Polling Station Jalalabad:—

1. Pt. Thaneshwar Nath Pathak, Wakil.
2. Pt. Pashpati Nath, Pathak, Hony. Magistrate.
3. Family members of the above two.
4. Widow of Pt. Ram Nath Pathak.
5. Widow of Pt. Baij Nath Pd. Pathak.
6. Many other ladies of Jalalabad were also brought on the sforesaid car.
7. Larhi of Tirmal of village Marshia Gosain was engaged for carrying electors.
8. L. Sunder Lal's Larhi was engaged by Sri Naran Din to carry electors at Umassar village in Tahsil Jalalabad.

9. Larhis of Chuttu Singh and Ram Chandra of village Chiti were engaged for the transport of electors.

Verified that the above is true to the best of my knowledge as desired, on information received.

Signed and verified this 9th day of May, 1957 at Shahjehanpur.

(Sd.) LAKHAN DAS.

SCHEDULE IV

The services of following Lekhpals were procured for the furtherance of the prospects of the electors of the respondent No. 1 Shri Narain Din:—

1. M. Kedar Nath, Lekhpal, Dhubla Karim Nagar.
2. M. Mewa Ram, Lekhpal, Sondha Doshpur.
3. Saran Lal, Lekhpal, Rajputpur alias Chiti.

Verified that the contents of the above schedule are true to the best of my knowledge based on information received.

Verified this 9th day of May, 1957, at Shahjehanpur.

(Sd.) LAKHAN DAS.

SCHEDULE V

Hail storm had devastated the crops of the following villages where the respondent No. 1 misused his official position and offered inducement to the residents:—

1. Bangaon, Tahsil Jalalabad.
2. Puthipur Dhari, Tahsil Jalalabad.
3. Allahganj, Tahsil Jalalabad.
4. Chowki Azampur, Tahsil Jalalabad.
5. Sarhai, Tahsil Shahjehanpur.
6. Husainpur, Tahsil Shahjehanpur.
7. Katra Kamnu, Tahsil Shahjehanpur.
8. Simrai, Tahsil Shahjehanpur.
9. Bankra Tara, Tahsil Shahjehanpur.
10. Gurvi, Tahsil Shahjehanpur.
11. Maholia, Tahsil Shahjehanpur.
12. Shergpur, Tahsil Shahjehanpur.

I, Lakhan Das do hereby verify that the contents of the above schedule are best to my knowledge as derived on information.

Signed and verified this 9th day of May, 1957 at Delhi.

(Sd.) LAKHAN DAS.

SCHEDULE VI

1. Shahjehanpur.
2. Katra Miranpur.
3. Tilhar.
4. Jalalabad.
5. Powayam.
6. Allahganj.
7. Kant.
8. Khudaganj.

Verified that the contents of the above schedule are true to the best of my knowledge as derived from information.

Verified and signed this 9th day of May, 1957 at Delhi.

(Sd.) LAKHAN DAS,

SCHEDULE VII

1. Bhatara residents of Pukhta Pul Sarai in Shahjahanpur City.
2. Bhatiara resident of Khirni Sarai in Shahjahanpur City.
3. 6 Afghan Nationals in Shahjahanpur City.
4. Dead persons in Gurvaiya.

Verified that the contents of the above schedule are true to the best of my knowledge based on information received.

Verified at Delhi this 9th day of May, 1957.

(Sd.) LAKHAN DAS.

[No. 82/474/57.]

By order,

DIN DAYAL, Under Secy.